

STATE OF MICHIGAN

IN THE

SUPREME COURT

ON APPEAL FROM THE MICHIGAN COURT OF APPEALS
SHAPIRO, P.J., AND MARKEY, METER, BECKERING, STEPHENS, M.J. KELLY, AND RIORDAN, JJ.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

-vs-

KENYA ALI HYATT,

Defendant-Appellee.

Supreme Court
No. 153081

Court of Appeals
No. 325741

Circuit Court
No. 13-032654-FC

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PLAINTIFF-APPELLANT'S SUPPLEMENTAL AUTHORITY

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Pursuant to MCR 7.312(I), the People submit the following supplemental authority in relation to the arguments raised on appeal. On July 24, 2017, this Court issued *People v Steanhouse*, ___ Mich ___; ___ NW2d ___ (2017) (Docket Nos. 152671, 152871–73, 152946–48), and held, *inter alia*, “that the proper inquiry when reviewing a sentence for reasonableness is whether the trial court abused its discretion by violating the ‘principle of proportionality’ set forth in *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990), ‘which requires sentences imposed by the trial court to be proportionate to the seriousness of the circumstances surrounding the offense and the offender.’ ” Slip op at 3. In support of this holding, this Court noted, “The principle of proportionality has a lengthy jurisprudential history in this state[.]” *id.* at ___; slip op at 15, and “nothing else in our opinion [in *People v Lockridge*, 498 Mich 358; 870 NW2d 502 (2015)] indicated we were jettisoning any of our previous sentencing jurisprudence outside the Sixth Amendment.” *Steanhouse*, ___ Mich at ___; slip op at 16.

Just as “none of the constitutional principles announced in [*United States v Booker* [, 543 US 220; 125 S Ct 738; 160 L Ed 2d 621 (2005)] or its progeny compels [this Court] to depart from our longstanding constitutional principles applicable to sentencing,” *Steanhouse*, ___ Mich at ___; slip op at 16, nothing in MCL 769.25 nor *Miller v Alabama*, 567 US 460; 132 S Ct 2455; 183 L Ed 2d 407 (2012), likewise compels this Court to depart from our longstanding sentencing principles. In addition, this Court explicitly “disavow[ed]” the dicta in *Milbourn*, 435 Mich at 656, 658–59, which suggested a presumption of unreasonableness for departure sentences. *Steanhouse*, ___ Mich at ___; slip op at 18. Because the *Hyatt* majority relied on this now-disavowed dicta in formulating its heightened standard of review, *People v Hyatt*, 316 Mich App 368, 424–26; 891 NW2d 549 (2016) (presuming life without parole “inherently suspect”), this heightened standard of review must be rejected because it is inconsistent with the principles of sentencing and the abuse-of-discretion standard of review.

Respectfully Submitted,

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